

Transcript of
Michael Gragen

Date: June 20, 2007

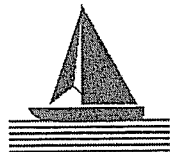
Case: Samson Tug & Barge v. United States of America

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Exhibit "E"

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1 IT IS HEREBY STIPULATED AND AGREED that
2 the reading and signing of this deposition are not
3 waived.

4 MICHAEL GRAGEN,
5 duly been sworn to tell the truth, the whole truth,
6 and nothing but the truth, testifies as follows:

7 EXAMINATION

8 BY MR. BORAKS:

9 Q Would you state your full name, please.

10 A Yes, it's Michael M. Gragen. G-R-A-G-E-N.

11 Q And where are you pleasantly, or
12 presently, employed?

13 MS. FRANKEN: Or both.

14 A Presently employed, not. I actually work
15 part-time at the Home Depot up in Topsham, Maine and
16 I work at a golf course in Litchfield, Maine.

17 Q So you're no longer with the Government?

18 A Correct.

19 Q And when did you leave Government service?

20 A 2002. March 1st.

21 Q At the time you left Government service,

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1 what were your -- what was your title, what were
2 your duties?

3 A I was still a Lieutenant Commander in the
4 United States Navy. I was the administrative
5 officer at the Supervisor of Ship Building in Bath,
6 Maine.

7 Q Are you still in the service?

8 A No, sir.

9 Q So did you retire from active service as a
10 Lieutenant Commander?

11 A Yes.

12 Q And that was in 2002?

13 A Correct.

14 Q When did you join the armed forces?

15 A I joined in, excuse me, 1982.
16 February 12th.

17 Q And what branch of the service did you
18 join?

19 A It was the United States Navy.

20 Q And did you join as an officer?

21 A Yes.

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1 '88 to '90. Then I did the Monetary post-graduate
2 education from beginning of '91 through the middle
3 of '92.

4 Q You have to excuse me for a minute. I
5 need to change chairs with you.

6 (Off the record colloquy.)

7 Q Okay. And then when you finished that,
8 what was your next assignment?

9 A From the middle of '92 after I graduated
10 to the middle of 1995 I was assigned to the
11 Brunswick Naval Air Station as the Naval exchange
12 officer.

13 Q Okay. Well, let's build on that.

14 A Okay.

15 Q Middle of '95?

16 A From the middle of '95 to middle of '96 I
17 was at the Naval Air Station Adak, Naval Air
18 Facility Adak to be exact. After I left Adak I went
19 to the Supervisor of Ship Building in Bath, Maine,
20 and I was there from the middle of '96 through the
21 end of my military career in 2002.

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1 Q So you say middle of '95 to the middle of
2 '96?

3 A Yup.

4 Q Is there any chance you can give us the
5 months?

6 A Yes. It was July '95 to July '96.

7 Q And what was your job during that
8 timeframe, or if there was more than one?

9 A At Adak?

10 Q Yes.

11 A I was the supply officer for the base.

12 Q And during the period that you were the
13 supply officer for the base, were you the only
14 supply officer for the base?

15 A I was the only supply officer for the
16 base, yes. There were other supply officers on the
17 island who worked for me.

18 Q So is it fair to say that you were the
19 head supply officer?

20 A That's correct.

21 Q And how many persons worked for you during

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1 officer staff on the island; is that correct?

2 A Yes.

3 Q Now, I think it was probably contained
4 within what you've just told us, but the function of
5 arranging for transportation of things to and off
6 the island, was that part of the supply officer
7 function?

8 A Yes.

9 Q At the time that you became the supply
10 officer -- the chief supply officer, I'm just going
11 to say supply officer from now on, the supply
12 officer in July of '95, whom did you replace?

13 A I believe his name was Peter, but I've
14 lost his last name.

15 Q And when you assumed your duties in terms
16 of the transportation of things on and off the
17 island, what assets were in use in July of '95 to
18 transport things on and off the island?

19 A There was really only two ways to get
20 something to the island. It either came in --

21 Q Or from the island?

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1 A Or from the island. Either came in by air
2 or it came in by barge.

3 Q And went off one of those two ways as
4 well?

5 A Correct.

6 Q And what outfit provided the barge service
7 to and from the island in July of '95?

8 A It was Samson.

9 Q Any others?

10 A No.

11 Q During the time of your tenure as supply
12 officer, were there -- were any other barge services
13 used other than through Samson?

14 A No.

15 Q Do you remember -- strike that. Do you
16 remember that there came a time in around September
17 or October of '95 when Samson began to operate its
18 barge service under a new contract?

19 A No.

20 Q Do you remember being aware at any time
21 during your tenure of the change from one contract

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1 A Primary purpose of the passenger loading.
2 Also, I believe most -- perhaps some of the mail
3 came out -- first class mail came out on the
4 airplane. And occasionally some publications we
5 might get. And very rarely some emergency repair
6 parts came out.

7 Q Now, you've told us about things that came
8 out by air. What about things that went off the
9 island by air?

10 A The only thing I can recall that might
11 have gone off is personal property stuff. When
12 people were leaving the island, if they took some
13 papers, some of the stuff that accumulated over
14 time, that might have gone on a plane, depending on
15 how much it was. But that would be about it.

16 Q And in that instance -- in that instance
17 would those items that you described go on the same
18 plane as the people?

19 A That's correct.

20 Q So who were the -- what were the sources
21 of air transportation. Were there companies that

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1 Q Who within your organization made
2 decisions as to how cargo was to be transported
3 either to or from Adak. By what mode. When I say
4 how, I mean by what mode?

5 A That's a complicated question.

6 Q Is there any way I could simplify it.

7 MS. FRANKEN: He was about to say
8 something. If you would allow him to continue.

9 A Let me put it this way. When you're a
10 supply officer or supply personnel on an island, you
11 don't have the power to make any decisions about how
12 stuff is getting there. You basically request how
13 stuff could possibly get there. I'll give you one
14 for example. If there was a breakdown in a key
15 critical system on the island, let's say the power
16 plant is going down or the water purification plant
17 was going down, or the radar on the island, radar
18 for the airport was going down, those were critical
19 systems, I could request that a part, a repair part,
20 would be flown out to repair that. Because it
21 needed to get there the quickest possible way. But

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1 A That's correct.

2 Q And was it you who had the authority to
3 decide whether to propound that request to FISC?

4 A Yes.

5 Q Now, if there was no emergency, in the
6 ordinary course of transporting things to the
7 island, did you have any role in deciding by what
8 mode such things would be transported?

9 A No.

10 Q Who decided that?

11 A Again, that would come under the --
12 control is the wrong word, but the scope of the FISC
13 in Seattle. I must say that what you're talking
14 about here is the Navy supply system, the DLA,
15 Defense Logistics Agency supply system, that decided
16 based on system rules how stuff got to you.

17 Q How stuff got to the island?

18 A How stuff got to the island, yes.

19 Q Now, let's turn around and move the other
20 way. What about stuff, I'll use your term of art,
21 stuff. What about stuff transported off the island.

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1 A Correct.

2 Q Okay. Subject to that qualification,
3 apart from that, your command played no role in
4 deciding the mode of transportation by which stuff
5 came to Adak; is that correct?

6 A That's correct.

7 Q And is it also correct that your command
8 played no role in deciding how stuff was
9 transported, by what mode stuff was transported off
10 of Adak, correct?

11 A Correct.

12 Q Was there a qualification as to that
13 similar to the one that you told me about regarding
14 Elmandorf?

15 A Again, the only qualification that comes
16 to mind is that personal property thing I mentioned
17 before where people might take their personal papers
18 and things like that going off the island. That
19 usually accompanied them on the airplane.

20 Q Is that something your command would
21 approve?

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1 A It was a personal property thing, so, yes,
2 there was a personal property office there that I
3 signed the paperwork for. But the personal property
4 office was a civilian office that was -- it also
5 worked for the supply department.

6 Q And this qualification that you've just
7 offered us related only to personal items that would
8 accompany service persons who were leaving the
9 island; is that right?

10 A Service personnel and civilian employees
11 that worked on the island.

12 Q But I'm right about the part, it only
13 related to stuff that constituted personal items
14 that was leaving with those personnel?

15 A Yes.

16 Q So is it fair to say that we're not
17 talking about large quantities of stuff?

18 A Yes.

19 Q Do you remember who replaced you as supply
20 officer?

21 A The gentleman's name was Rodney Duggins.

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<p style="text-align: right;">Page 85</p> <p>1 couple of times in my now lengthy career, not 2 as long as yours, originals have been lost. 3 And I once had someone say, we can't use that 4 deposition. I would like to stipulate to the 5 use of a copy if for some reason the original 6 is not available. Otherwise I will not relieve 7 the court reporter of his obligations and he 8 will retain the original until notice of the 9 parties that it should be filed with the 10 District Court in Anchorage, Alaska. 11 MR. BORAKS: My god, I don't want to do 12 that to you. 13 MS. FRANKEN: Thanks. So will you so 14 stipulate now that we have had a 30 minute talk 15 about this. 16 MR. BORAKS: 30 minute. 30 seconds. 17 MS. FRANKEN: Whatever. 18 MR. BORAKS: Sure. 19 MS. FRANKEN: I knew he would say sure. 20 (Deposition concluded at 2:57 p.m.) 21</p>	<p style="text-align: right;">Page 87</p> <p>1 COMMONWEALTH OF VIRGINIA 2 I, David Corbin, a Notary Public in and 3 for the Commonwealth of Virginia, do hereby 4 certify that the within named, MICHAEL GRAGEN, 5 personally appeared before me at the time and 6 place herein set according to law, was 7 interrogated by counsel. 8 9 I further certify that the examination was 10 recorded stenographically by me and then 11 transcribed from my stenographic notes to the 12 within printed matter by means of 13 computer-assisted transcription in a true and 14 accurate manner. 15 I further certify that the stipulations 16 contained herein were entered into by counsel 17 in my presence. 18 I further certify that I am not of counsel 19 to any of the parties, not an employee of 20 counsel, nor related to any of the parties, nor 21 in any way interested in the outcome of this 22 action. 23 AS WITNESS my hand and Notarial Seal this 24 21st day of June, 2007, at Alexandria, Virginia 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000</p>
<p style="text-align: right;">Page 86</p> <p>1 Certificate of Deponent 2 I hereby certify that I have read and examined 3 the foregoing transcript, and the same is a true 4 and accurate record of the testimony given by me. 5 Any additions or corrections that I feel are 6 necessary, I will attach on a separate sheet of 7 paper to the original transcript. 8 9 <u>Michael Gragen</u> <u>7/16/2007</u> 10 MICHAEL GRAGEN DATE 11 12 13 14 15 16 17 18 19 20 21</p>	

22 (Pages 85 to 87)

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1 COMMONWEALTH OF VIRGINIA

2 I, David Corbin, a Notary Public in and
3 for the Commonwealth of Virginia, do hereby
4 certify that the within named, MICHAEL GRAGEN,
5 personally appeared before me at the time and
6 place herein set according to law, was
7 interrogated by counsel.

8 I further certify that the examination was
9 recorded stenographically by me and then
10 transcribed from my stenographic notes to the
11 within printed matter by means of
12 computer-assisted transcription in a true and
13 accurate manner.

14 I further certify that the stipulations
15 contained herein were entered into by counsel
16 in my presence.

17 I further certify that I am not of counsel
18 to any of the parties, not an employee of
19 counsel, nor related to any of the parties, nor
20 in any way interested in the outcome of this
21 action.

AS WITNESS my hand and Notarial Seal this
21st day of June, 2007, at Alexandria, Virginia

David C. Corbin
Notary Public

My commission expires May 16, 2009

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